

Message Text

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46

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 COME-00 L-03 SAJ-01 LOC-01

CIAE-00 DODE-00 INR-10 NSAE-00 PA-03 RSC-01 USIA-15

PRS-01 SPC-03 SS-15 NSC-10 CU-04 IO-15 TRSE-00 DRC-01

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R 011036Z OCT 73

FM AMCONSUL MUNICH

TO SECSTATE WASHDC 4596

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY MOSCOW

AMCONSUL FRANKFURT

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E.O. 11652: N/A

TAGS: EIND, UR

SUBJECT: COPYRIGHT - PROBLEMS ENCOUNTERED WITH USSR SINCE ADHERENCE
TO UNIVERSAL COPYRIGHT CONVENTION (UCC)

REF: STATE 188782

AN INTERVIEW WITH PROFESSOR DR. EUGEN ULMER, MAX-PLANCK-INSTITUT
FUER AUSLAENDISCHES UND INTERNATIONALES PATENT-URHEBER-UND
WETTBEWERBSRECHT, MUNICH ON SEPTEMBER 26 REVEALED THE FOLLOWING
INFORMATION AND COMMENTS ON THE QUESTIONS RAISED IN REFERENCE.

1. ULMER WAS NOT AWARE OF ANY CONTRACTUAL NEGOTIATIONS THAT HAD
BEEN COMPLETED OR WERE BEING NEGOTIATED BETWEEN INDIVIDUAL
PUBLISHERS AND USSR SINCE LATTER'S MAY 27 ADHERENCE TO UCC.

HOWEVER, HE DID KNOW THAT LAST JUNE A DELEGATION OF THE
BOERSENVEREIN DES DEUTSCHEN BUCHHANDELS (ASSN. OF THE GERMAN
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BOOK TRADE) WENT TO MOSCOW TO DISCUSS COPYRIGHT QUESTIONS.

THOUGH NOTHING CONCRETE RESULTED FROM VISIT, ULMER OBSERVED THAT:

A. USSR APPEARS GENERALLY PREPARED TO PAY ROYALTIES BUT GERMAN PUBLISHERS, PARTICULARLY OF TECHNICAL MAGAZINES, ARE OPPOSED TO LICENSING ARRANGEMENTS BECAUSE IT WILL ESTABLISH A PRACTICE THAT MAY BE FOLLOWED BY OTHER COUNTRIES SUCH AS INDIA, VARIOUS AFRICAN STATES, ETC. PRESENTLY, THE PUBLISHERS HAVE LUCRATIVE MARKETS IN THESE COUNTRIES FOR THE SALE OF THEIR PUBLICATIONS AND PREFER DIRECT SALE TO LICENSING. SIMILARLY, THE PUBLISHERS WOULD PREFER DIRECT SALE OF PUBLICATIONS TO USSR RATHER THAN LICENSING BUT USSR APPEARS TO PREFER LICENSING IN ORDER TO UTILIZE ITS OWN PRINTING FACILITIES. IN PAST YEARS, 71 USSR PUBLISHERS HAVE REGULARLY REPRINTED 116 GERMAN MAGAZINES FOR WHICH NO ROYALTIES WERE PAID.

B. IF NO AGREEMENT IS REACHED ON LICENSING QUESTIONS, THE USSR MAY DISADVANTAGE GERMAN PUBLISHERS AS AMENDMENTS ARE STILL BEING MADE TO THE SOVIET COPYRIGHT LAW.

C. DETAILS CONCERNING USSR INTERPRETATION OF "FAIR USE" DOCTRINE AND ROYALTY RATE SCHEDULE ARE NOT YET AVAILABLE.

D. THOUGH COPYRIGHT MATTERS WILL BE PROCESSED UNDER TEMPORARY REGULATIONS IN 1973, IT IS UNDERSTOOD THAT NEGOTIATIONS MUST BE COMPLETED BY 1974.

2. ULMER WAS NOT AWARE OF ANY UCC VIOLATIONS REPORTED BY PUBLISHERS TO FRG BUT OBSERVED THAT 1973 WAS AN INTERIM PERIOD.

3. EXTENT OF FRG SUPPORT, IF ANY, WAS NOT KNOWN BUT BOERSENVEREIN DELEGATION DID CONFER WITH FRG AND ULMER BEFORE GOING TO USSR.

4. IN CLOSING, ULMER EXPRESSED APPRECIATION FOR INTEREST OF U.S. AND SUGGESTED THAT AMERICAN COUNTERPART OF ASSN. OF THE GERMAN BOOK TRADE, I.E. ASSN. OF AMERICAN BOOK PUBLISHERS, 5 PARK AVE., NEW YORK, N.Y., APPROACH THE GERMAN ASSN. TO DEVELOP UNIFORM POSITION ON USSR COPYRIGHT MATTERS. ADDRESS OF ASSN OF THE GERMAN BOOK TRADE IS : 6 FRANKFURT/MAIN, GR. HIRSCHGRABEN 17/21.
MANAGER: MR. PETER. VALDES

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
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Current Classification: UNCLASSIFIED
Concepts: COPYRIGHTS, MAGAZINES, CONTRACTS
Control Number: n/a
Copy: SINGLE
Draft Date: 01 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: willialc
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
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